

IN RE: PETITION FOR VARIANCE
SE/S Pulaski Highway at
SW/S Krueger Avenue
15th Election District
7th Councilmanic District
(8117 Pulaski Highway)

Mohammad & Fatima Bouhmad
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-442-SPHXA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing, special exception and variance filed by the legal owners of the subject property, Mohammad and Fatima Bouhmad. The Petitioners are requesting relief for property they own at 8117 Pulaski Highway, which property is zoned BR-AS. A special hearing request is to approve a modified parking plan pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and to allow a residential accessory structure not subject to principal building setbacks as currently located. The special exception request is for living quarters within a commercial building in accordance with Section 236.4 of the Baltimore County Zoning Regulations and variances from Section 238.2 to allow a rear yard setback of 5 ft. in lieu of 30 ft. and Section 238.1 to allow a front yard setback of 19 ft. and 32 ft. in lieu of the required 25 ft. and 50 ft. and a street centerline setback of 44 ft. in lieu of the permitted 50 ft.

Appearing at the hearing before me were: Mr. and Mrs. Bouhmad, owners of the subject property; Joe Larson, the zoning consultant; Russ Mirabile, President of the Greater Chesaco Community Association; and David Zeiger, attorney representing the Petitioners. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 0.18 acres, more or less, zoned BR-AS. The property is located at the southwest corner

ORDER RECEIVED FOR FILING
Date 2/6/99
By [Signature]

of the intersection of Pulaski Highway and Krueger Avenue in the Chesaco area of Baltimore County. The subject property is currently improved with a two-story residential dwelling and accessory residential garage. The dwelling has been the home of Mr. and Mrs. Bouhmad for the past 4 ½ years. The Bouhmads reside in this home with their two small children. Mrs. Bouhmad is interested in opening a small 550 sq. ft. carry-out sub shop in the lower level of their home. The purpose of operating a small carry-out restaurant in their home is to afford Mrs. Bouhmad the opportunity to stay at home with their two small children. The Bouhmads are currently engaged in the food service business, as they operate a restaurant in the Fells Point area of Baltimore City. Mrs. Bouhmad intends to operate the sub shop at this location while Mr. Bouhmad will continue to oversee the Fells Point operation. In order to proceed with their plans, the special hearing, special exception and variance relief is necessary.

After considering the testimony and evidence offered by the Petitioners at the hearing, as well as the support of Mr. Russ Mirabile, who appeared in his individual capacity, in that the Greater Chesaco Community Association did not have enough time to review the request, I find that the Petitioners relief should be granted. The Petitioners request is to operate a small 550 sq. ft. business from their home similar to many other requests from residents of Baltimore County. The subject property has commercial zoning and the business is permitted as of right. The property already serves as the Bouhmad's primary residence and, therefore, the addition of a small shop will have no adverse impact on the surrounding community. The property is sufficiently situated to accommodate both uses.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the modified parking plan and the request to permit a residential accessory structure not subject to principal building setbacks were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly

CASE FILED FOR FILING

Date

7/6/99

By

JR. G. [Signature]

restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

It is clear that the B.C.Z.R. permits the use proposed in a BR-AS zone by special exception. It is equally clear that the proposed use to allow living quarters in a commercial building would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

ORDER RECEIVED FOR FILING
Date 7/6/99
By J.P. [Signature]

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing, special exception and variances requested should be granted.

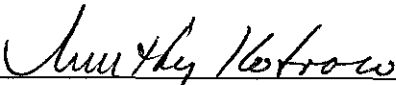
THEREFORE, IT IS ORDERED this 6th day of July, 1999, by this Deputy Zoning Commissioner, that the Petitioner's special hearing request to approve a modified parking plan in accordance with Section 409.12.B of the B.C.Z.R. and to permit a residential accessory structure not subject to principal building setbacks and as currently located, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the special exception to allow living quarters in a commercial building in accordance with Section 236.4 of the B.C.Z.R., be and is here GRANTED.

ORDER RECEIVED FOR FILING
Date 7/6/99
By [Signature]

IT IS FURTHER ORDERED, that the variance relief from Section 238.2 of the B.C.Z.R. to allow a rear yard setback of 5 ft. in lieu of the required 30 ft. and also from Section 238.1 of the B.C.Z.R. to allow front yard setbacks of 19 ft. and 32 ft. in lieu of the required 25 ft. and 50 ft. minimum and a street centerline setback of 44 ft. in lieu of the required 50 ft., be and is hereby GRANTED, in accordance with Petitioners' Exhibit No. 1, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 7/6/99
By R. G. Mason



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 6 , 1999

David L. Zeiger, Esquire
1141 East Baltimore Street
Baltimore, Maryland 21202

Re: Petition for Variance
Case No. 99-442-SPHXA
Property: 8117 Pulaski Highway

Dear Mr. Zeiger:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing, Special Exception and Petition for Variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. & Mrs. Mohammad Bouhmad

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



ORIGINAL.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8117 Pulaski Highway
which is presently zoned BR-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a modified parking plan in accordance with Section 409.12.B of the BCZR.

and to permit a residential accessory structure not subject to principal building setbacks and as currently located.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

NA
Name - Type or Print
NA
Signature
NA
Address Telephone No.
NA
City State Zip Code

Attorney For Petitioner:

7/6/99
Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

Mohammad Bouhmad
Name - Type or Print
Signature
Fatima Bouhmad
Name - Type or Print
Signature
8117 Pulaski Highway 410-732-1018
Address Telephone No.
Baltimore MD 21237-2822
City State Zip Code

Representative to be Contacted:

Joseph L. Larson
Spellman, Larson & Associates, Inc.
Name
105 W. Chesapeake Avenue 410-823-3535
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. _____

Reviewed By _____ Date _____

REC'D 9/15/98



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8117 Pulaski Highway
which is presently zoned BR-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto are made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Living quarters in a commercial building in accordance with
Section 236.4 of the BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print NA
Signature NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Attorney For Petitioner:

Name - Type or Print [Signature]
Signature [Signature]
Address [Signature] Telephone No. [Signature]
City [Signature] State [Signature] Zip Code [Signature]

Legal Owner(s):

Mohammad Bouhmad
Name - Type or Print Mohammad Bouhmad
Signature [Signature]
Fatima Bouhmad
Name - Type or Print Fatima Bouhmad
Signature [Signature]
8117 Pulaski Highway 410-732-1018
Address Baltimore MD Telephone No. 21237-2822
City State Zip Code

Representative to be Contacted:

Joseph L. Larson
Spellman, Larson & Associates, Inc.
Name Joseph L. Larson
105 W. Chesapeake Avenue 410-823-3535
Address Towson MD Telephone No. 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR
UNAVAILABLE FOR HEARING [Signature]
Reviewed By [Signature] Date 5/7/94

Case No. 99-442-SPHXA

RECEIVED 09/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8117 Pulaski Highway

which is presently zoned BR-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.2 of the BCZR to allow a rear yard setback of 5' in lieu of the required 30'.

And also from Section 238.1 of the BCZR to allow a front yard setback of 19' in lieu of the required 25' and a street centerline setback of 44' in lieu of the required 50'.
of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Reasons for the Variance Petition and supporting evidentiary matter to be provided at the Zoning Hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print NA
Signature NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Attorney For Petitioner:

Name - Type or Print [Signature]
Signature [Signature]
Company [Signature]
Address [Signature] Telephone No. [Signature]
City [Signature] State [Signature] Zip Code [Signature]

Legal Owner(s):

Mohammad Bouhmad
Name - Type or Print Mohammad
Signature [Signature]
Fatima Bouhmad
Name - Type or Print [Signature]
Signature [Signature]
8117 Pulaski Highway 410-732-1018
Address Telephone No.
Baltimore MD 21237-2822
City State Zip Code

Representative to be Contacted:

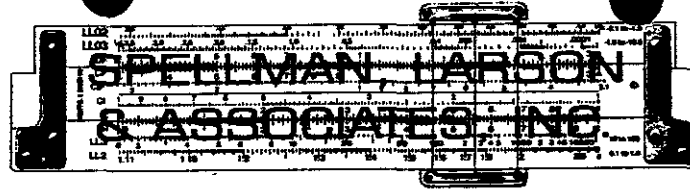
Joseph L. Larson
Spellman, Larson & Associates, Inc.
Name
105 W. Chesapeake Avenue 410-823-3535
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By _____ Date _____

Case No. _____



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

SUITE 406 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / (410) 823-3539
FAX (410) 825-5215

442

DESCRIPTION FOR ZONING
NO. 8117 PULASKI HIGHWAY,
FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at the corner formed by the intersection of the southeast side of Pulaski Highway (Maryland State Route No. 40), 150 feet wide, and the southwest side of Krueger Avenue, 50 feet wide, and running thence and binding on the southeast side of Pulaski Highway south 67 degrees 00 minutes west 65.34 feet thence leaving the southeast side of Pulaski Highway and running south 28 degrees 50 minutes east 124.25 feet and north 61 degrees 10 minutes east 65.00 feet to the southwest side of Krueger Avenue herein referred to running thence and binding on the southwest side of Krueger Avenue north 28 degrees 50 minutes west 117.61 feet to the place of beginning.

Containing 0.18 acres of land, more or less.

4/5/99



99.442.SPH/XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 074341

DATE

11/18/99

ACCOUNT

001-6150

AMOUNT

\$ 40.00 (1115)

RECEIVED FROM:

Mohammed + Fatima Bouchard

FOR:

#99-3932

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

8117 Palecki Hwy

PAID RECEIPT

PROCESSED

TIME

11/22/1999 11/19/1999 15:23:11

REG 0004 CASHIER JAR J.R. DEWATER

DEPT 5 1231 ZONING DEPARTMENT

RECEIPT # 108738

CR NO. 074341

Receipt Tot 40.00

40.00 OK 20 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARY ND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 067379

DATE 5/7/99 ACCOUNT 80016150

AMOUNT \$ 650.00

RECEIVED FROM: BOUHMAD

FOR: SPHXA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

99.442-
SPHXA

CASHIER'S VALIDATION

PAID RECEIPT

PROCESS ACTUAL TIME
REG 1407/1999 5/07/1999 08:16:13
DEPT 5001 CASHIER JILL JMR JRM
RECEIPT # 5 52B ZONING VERIFICATION
CR NO. 067379 100960 DE LN

Receipt Tot 650.00
650.00 CK
Baltimore County, Maryland .00 RA

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6-10, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6-10, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-442-SPHXA

8117 Putaski Highway

SE/S Putaski Highway at SW/S Krueger Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): Mohammad & Fatima Bouhmad

Special Exception: for living quarters in a commercial building.

Special Hearing: to approve a modified parking plan and to permit a residential accessory structure not subject to principal building setbacks.

Variance: to allow a rear yard setback of 5 feet in lieu of the required 30 feet; to allow front yard setbacks of 19 feet and 32 feet in lieu of the required 25 feet and 50 feet; and to allow a street centerline setback of 44 feet in lieu of the required 50 feet.

Hearing: Monday, June 28, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at: (410) 887-3391.

6/19/99 June 19

C317778

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

(X)

RE Case No

99-442 SPHXA

Penitioner/Developer

BOOHMAD, ETAL

C/O JOE LARSON

Date of Hearing/Closing

6/28/99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #8117 PULASKI HWY

The sign(s) were posted on

6/10/99

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 6/14/99

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

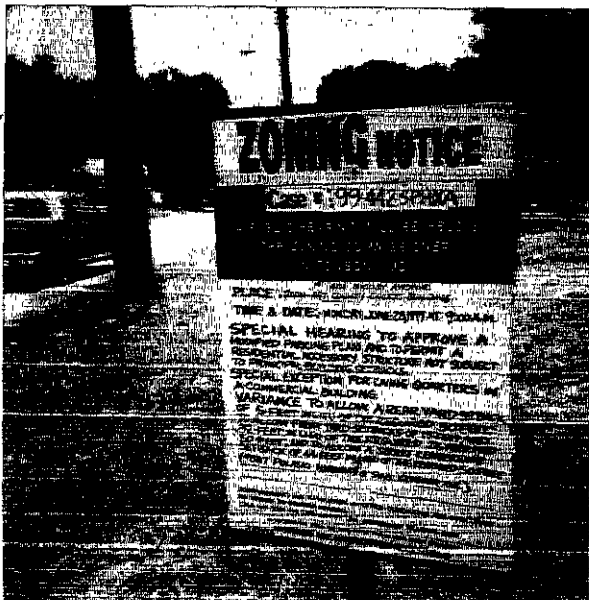
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



8117 PULASKI HWY

391 8580

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE

8117 Pulaski Highway, SE/S Pulaski Hwy
at SW/S of Krueger Ave
15th Election District, 7th Councilmanic

Legal Owner: Mohammad and Fatima Bouhmad
Petitioner(s)

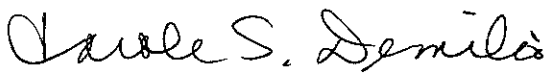
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-442-SPHXA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 1999 a copy of the foregoing Entry of Appearance was mailed to Joseph L. Larson, Spellman, Larson & Assoc., Inc., 105 W. Chesapeake Avenue, Towson, MD 21204, representative for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 27, 1999

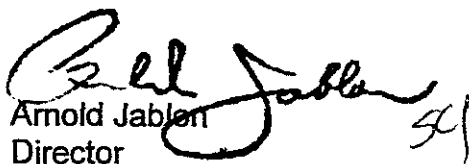
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CASE NUMBER: 99-442-SPHXA
8117 Pulaski Highway
SE/S Pulaski Highway at SW/S Krueger Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Mohammad & Fatima Bouhmad

Special Exception for living quarters in a commercial building. Special Hearing to approve a modified parking plan and to permit a residential accessory structure not subject to principal building setbacks. Variance to allow a rear yard setback of 5 feet in lieu of the required 30 feet; to allow front yard setbacks of 19 feet and 32 feet in lieu of the required 25 feet and 50 feet; and to allow a street centerline setback of 44 feet in lieu of the required 50 feet.

HEARING: Monday, June 28, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Arnold Jablon
Director

c: Mohammad & Fatima Bouhmad
Spellman, Larson & Associates, Inc.

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 13, 1999.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
June 10, 1999 Issue – Jeffersonian

Please forward billing to:

Joseph Larson 410-823-3535
105 W. Chesapeake Avenue
Suite 406
Towson, MD 21204


NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-442-SPHXA
8117 Pulaski Highway
SE/S Pulaski Highway at SW/S Krueger Avenue
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Special Exception for living quarters in a commercial building. Special Hearing to approve a modified parking plan and to permit a residential accessory structure not subject to principal building setbacks. Variance to allow a rear yard setback of 5 feet in lieu of the required 30 feet; to allow front yard setbacks of 19 feet and 32 feet in lieu of the required 25 feet and 50 feet; and to allow a street centerline setback of 44 feet in lieu of the required 50 feet.

HEARING: Monday, June 28, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: _____

442

Petitioner: Mohammad Bouhmad and Fatima Mouchmad

Address or Location: 8117 Pulzski Highway Balto, MD 21237-2822

PLEASE FORWARD ADVERTISING BILL TO:

Name: Joseph Larson

Address: 105 W. Chesapeake Ave Suite 406
Towson, MD 21204

Telephone Number: 410-823-3535

Revised 2/20/98 - SCJ

99.442-SPH XA

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-442 SPHXA

A PUBLIC HEARING WILL BE HELD BY:
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: A SPECIAL ^{EXCEPTION} ~~HEARING~~ TO PERMIT LIVING QUARTERS IN A COMMERCIAL BUILDING, A SPECIAL HEARING TO APPROVE A MODIFIED PARKING PLAN AND TO PERMIT AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE NOT SUBJECT TO PRINCIPAL BUILDING SETBACKS AND VARIANCES TO PERMIT (EXISTING) 5 FT. SETBACKS FOR REAR YARD, FRONT SETBACKS OF 19' AND 32' AND A STREET CENTERLINE SETBACK OF 44' ALL LESS THAN REQUIRED.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 25, 1999

Mr. Joseph L. Larson
Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No.: 99-442-SPHXA
Petitioner: Bouhmad
Location: 8117 Pulaski Highway

Dear Mr. Larson:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 7, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: May 19, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - JC
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 442
PETITIONER: Fatima Bouhmad and Mohammad Bouhmad

VIOLATION CASE NO.: 98-2053

LOCATION OF VIOLATION: SE/S Pulaski Highway at SW/S of Krueger Avenue
(8117 Pulaski Highway)
15th Election District

DEFENDANT(S): Fatima Bouhmad and Mohammad Bouhmad

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/jc/lmh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: June 3, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 8117 Pulaski Highway

INFORMATION:

Item Number: 442

Petitioner: Bouhmad Property

Zoning: BR-AS

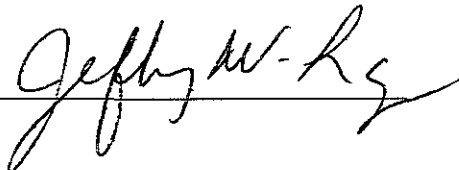
Requested Action: Variance, Special Hearing and Special Exception

SUMMARY OF RECOMMENDATIONS:

The site is too small to accommodate both residential and commercial uses. The driveway should be located towards the rear of the site, as noted by DPW. In addition, it does not appear that required parking and turning movements can be accommodated.

Based upon the information provided and analysis conducted, the Office of Planning recommends that the Petition for Special Exception be denied. Should the request be granted, however, the front of the site needs to be improved with landscaping and the large tree in that area should be retained. Additionally, access to the existing residential use should be separate from the proposed retail use.

Section Chief:



AFK/JL

INTEROFFICE CORRESPONDENCE

SUBJECT: Zoning Advisory Committee Meeting
for June 1, 1999
Item No. 442

The Bureau of Development Plans Review has reviewed the subject zoning item. Pulaski Highway, Maryland Route 40, is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

The proposed access should be a minimum of 100 feet from the edge of Pulaski Highway paving.

RWB:HJO:jrb

cc: File

ZAC06019.442



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5-26-99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 442 (JLL)

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 2, 1999

Mr. Joseph L. Larson, President
Spellman, Larson & Associates, Inc.
Suite 406, Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Larson:

RE: Zoning Verification, 8117 Pulaski Highway

Your letter to Arnold Jablon, Director of Permit and Development Management, has been referred to me for reply.

Your client's request is the approval of this office to the relocating of 2 parking spaces and the addition of a handicapped ramp as shown on the submitted (revised) plan. This relocation of 2 parking spaces with a 10 feet setback to the right-of-way of Pulaski Highway and the handicapped ramp addition is approved as being within the Spirit and Intent of zoning case #99-442-SPHXA.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John J. Sullivan
Planner II
Zoning Review

JJS:kew

c: Zoning Case #99-442-SPHXA





TO: JJS
11/17/99
WCR
#Casper

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

SUITE 406 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / (410) 823-3539
FAX (410) 825-5215

November 8, 1999

Mr. Arnold Jablon, Director
Department of Permits & Development Management
Baltimore County

"Hand Delivered"

Re: Bouhmad Property
8117 Pulaski Highway
Case No. 99-442-SPHXA
Job No. 98074

11/17/99
WCR
FRI
RECEIVED NOV 19 1999 PM

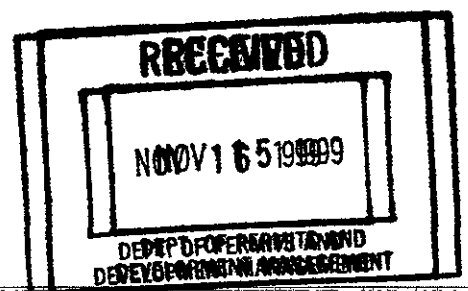
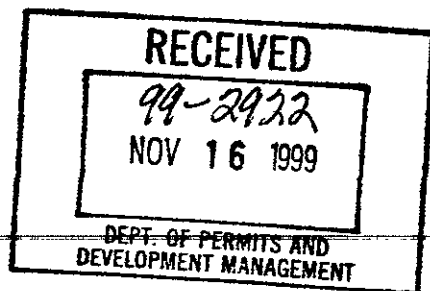
Dear Arnold:

The above-captioned property was the subject of a Zoning Hearing identified by Case No. 99-442-SPHXA that was heard by the Zoning Commissioner on June 28, 1999. An Order was issued on July 6, 1999 granting the requested Variances and Special Exception.

Upon proceeding ahead with the development of the property which consists of the conversion of part of a building to a carry out shop the owner was required to make certain adjustments to his Site Plan. These adjustments involved the relocation of two parking spaces and the addition of a handicap access ramp.

In light of these Site Plan revisions we are herein making a request of your office to approve this revision to the Site Plan without the need for another Zoning Hearing.

We feel that the plan revisions are significantly minor and do not impact the overall development proposal. I trust that this request is well within the spirit and intent of the Regulations for your office to approve same.



Bouhmad Property
8117 Pulaski Highway
Case No. 99-442-SPHXA
Job No. 98074

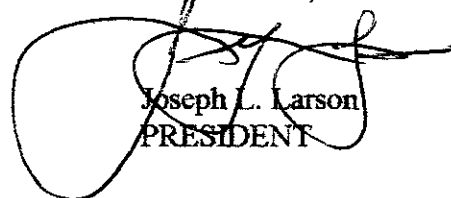
SPELLMAN, LARSON & ASSOC.
November 8, 1999
Page 2

To further support our request I should also mention that there were no protestants at the Zoning Hearing and in fact the only people in attendance were my client, his attorney, the President of the Greater Chesaco Community Association, who was there in support of the Request, and myself.

I am herewith inclosing the standard \$ 40.00 Fee to cover the cost of this request, whereby, I would appreciate your earliest attention to responding to this office so that the owner can move ahead with his construction program.

I am also attaching hereto for your convenience a copy of the Commissioners Order which may hopefully expedite your response.

Very truly yours,
SPELLMAN, LARSON & ASSOC.



Joseph L. Larson
PRESIDENT

cc: Mo Bouhmad

PETITIONER(S) SIGN-IN SHEET

ADDRESS

ADDRESS Towson, Md
105 W. Chesapeake Ave 21204

P.O. Box 7065 BALTO. MD. 21239

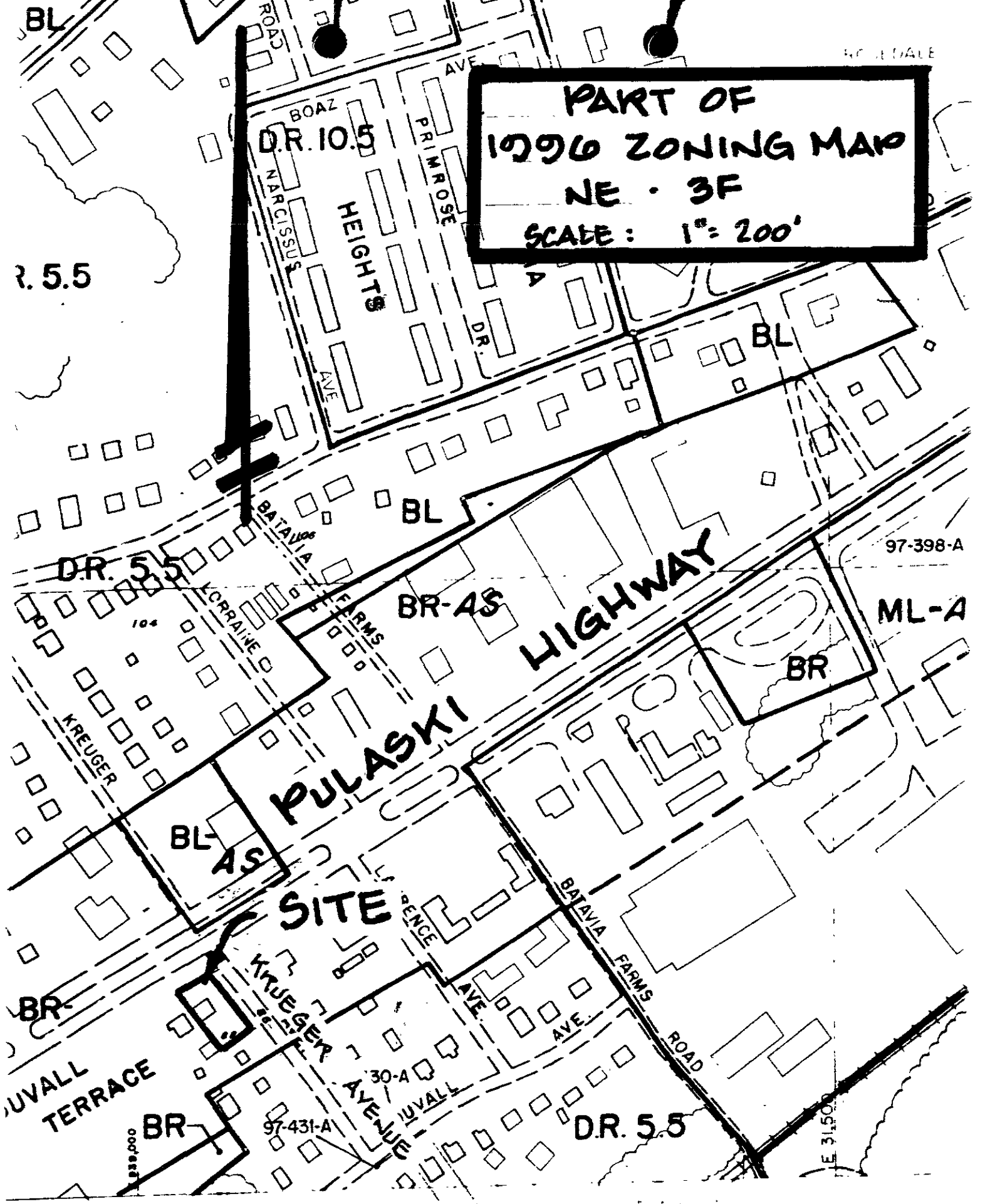
1141 E BACU 7) BACU 11/2/202

8117 Dulock, Myron Brown

P.O. Box 7065 BALD. MD. 21202



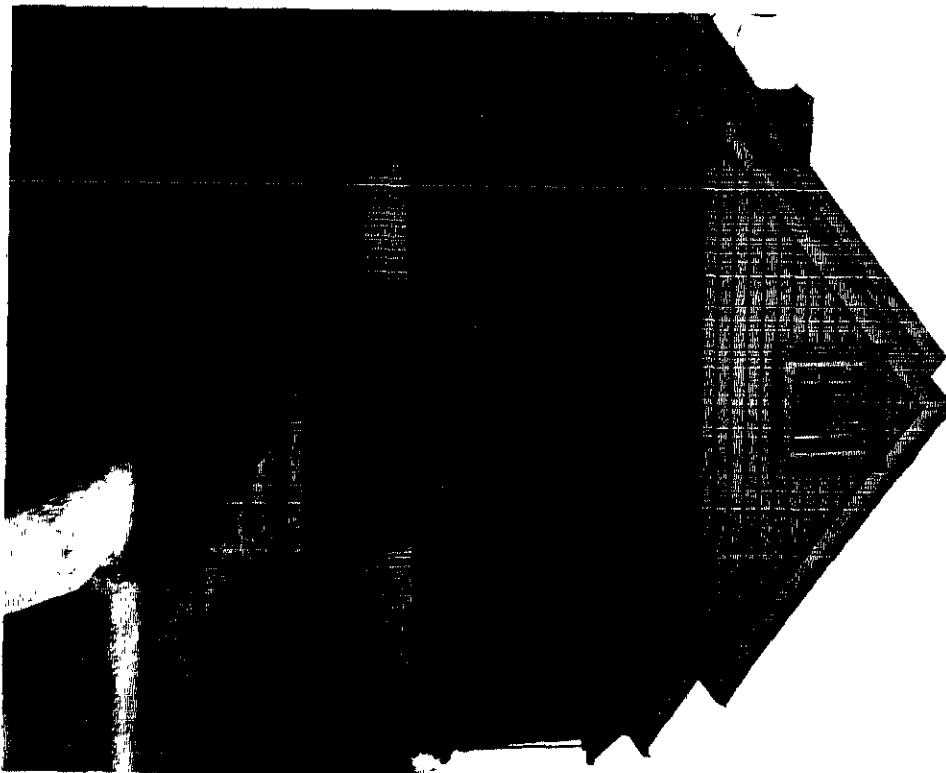
PART OF
1996 ZONING MAP
NE - 3F
SCALE: 1" = 200'



SE 1-SW
NE 1-NW

442

99.442.SPHA





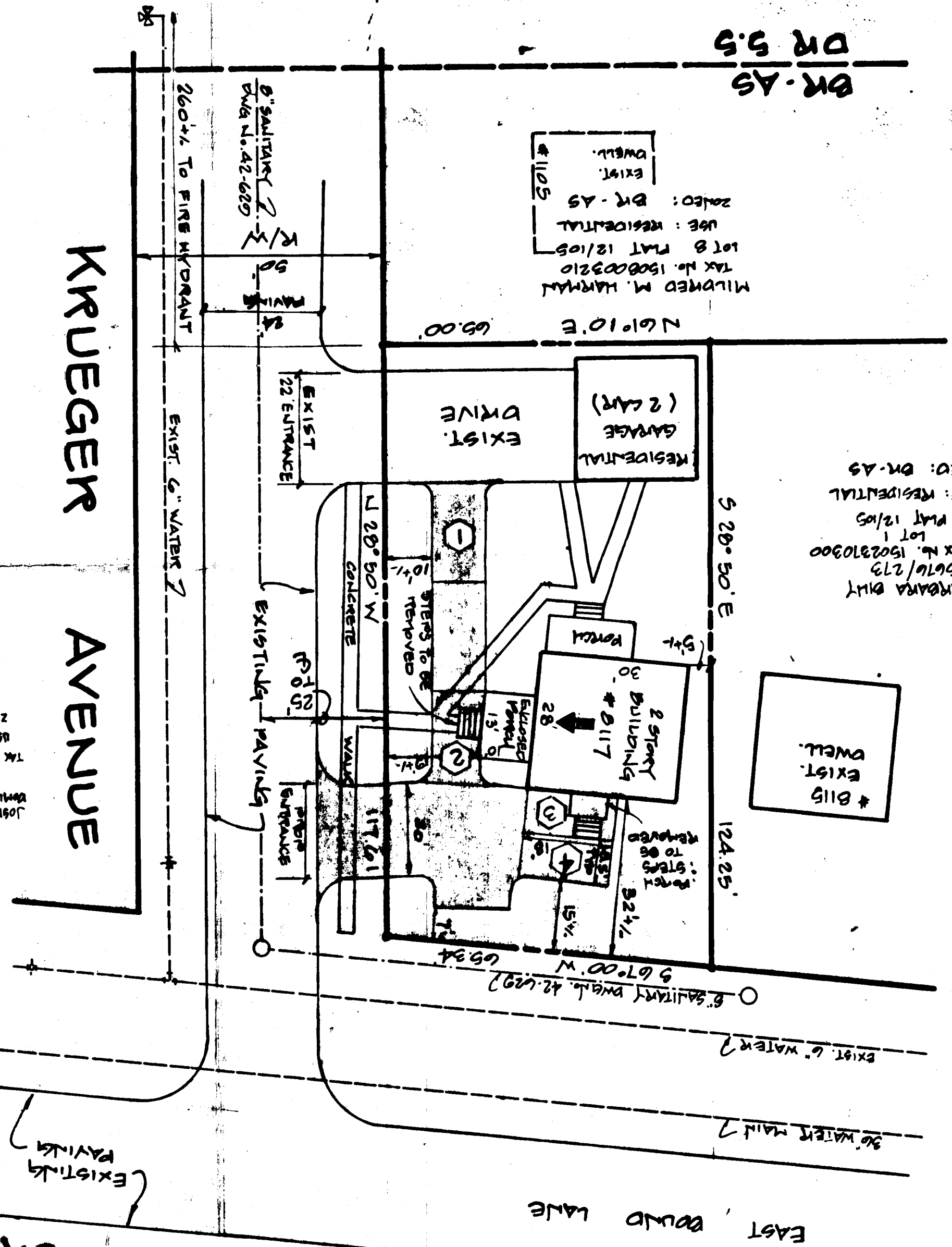


Surveyor's Certification

1. THERE ARE NO PREVIOUS ZONING HEARINGS, C.R.G. OR MATTERS FOR THE SUBJECT PROPERTY.
2. THERE ARE NO SHEDS PROPOSED AT THIS TIME. ALL FUTURE SHEDS WILL COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS.
3. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE SUBSTANTIAL RURAL AREA.
4. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.
5. PROPOSED CONSTRUCTION OF THE SUBJECT PROPERTY IS NOT IN CONFLICT WITH ANY OTHER EXISTING OR PROPOSED CONSTRUCTION.
6. THERE ARE NO CONFLICTING PUBLIC UTILITIES LOCATED WITHIN THE SUBJECT LOT.
7. PROPOSED PAVING TO BE DONE AND SURFACE DRAINAGE AND DE WATERSHEDS.

GENERAL NOTES

BR-AS
OR 5.5



BARBARA DINT
5616/273
TAX NO. 1502310300
LOT 1
PLAT 12/105
USE: RESIDENTIAL
ZONED: BR-AS

EAST BOUND LANE

PULASKI HIGHWAY
U.S. RTE 40
150' R/W
BL-AS
BR-AS

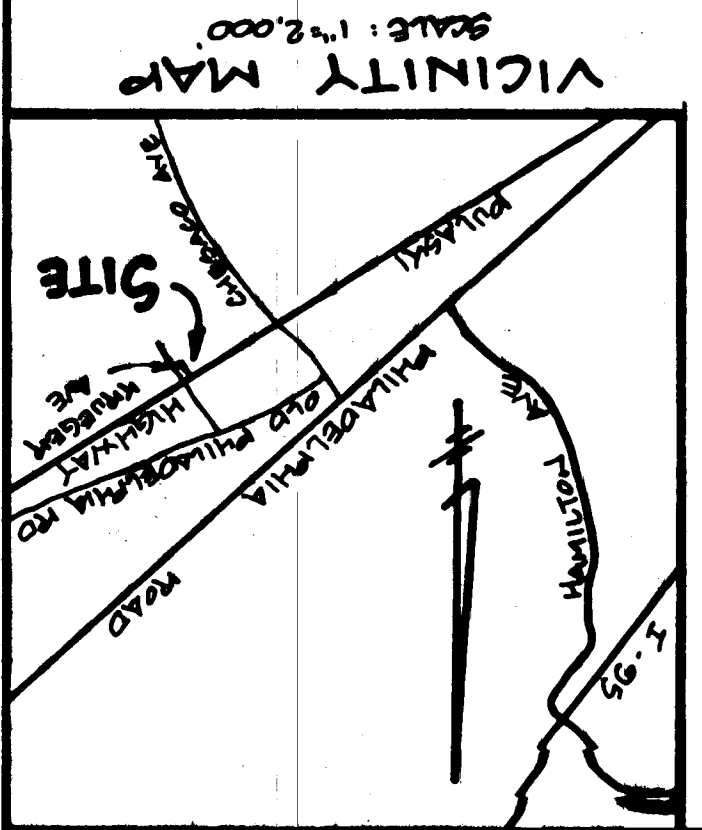
BL-AS
BR-AS

FLOOR AREA RATIO
MAXIMUM F.A.R. ALLOWED - 2.0 F.A.R.
EXISTING F.A.R. - 30x28 - 840 SF
840 SF x 2.3 (GARAGE + DRIVE) = 2520 SF
24' x 24' (LIT) GARAGE = 576 SF
10' x 13' (ENCLOSED PORCH) = 130 SF
TOTAL FLOOR AREA = 3226 SF
3226 ÷ 7860 = 0.41 F.A.R.

PARKING CALCULATIONS
COMMERCIAL USE 550 SF
C PER 1000 SF = 3 SPACES
RESIDENTIAL USE
2 PER UNIT = 2 SPACES
TOTAL REQ = 5 SPACES
TOTAL PROVIDED = 6 SPACES (GARAGE)

ZONING PETITION TO ACCOMPANY THIS PLAT
SPECIAL EXCEPTION:
FOR LIVING QUARTERS IN A COMMERCIAL BUILDING IN ACCORDANCE WITH SECTION 236.4 OF THE BOZM.
SPECIAL HEARING:
TO APPROVE A MODIFIED PARKING PLAN IN ACCORDANCE WITH SECTION 409.12.B OF THE BOZM.
TO PERMIT A RESIDENTIAL ACCESSORY STRUCTURE NOT SUBJECT TO MUNICIPAL BUILDING SETBACKS AND TO CONVEYANCE LOCATED.
VARIANCE:
FROM SECTION 236.2 OF THE BOZM TO ALLOW A REAR YARD SETBACK OF 5' IN LIEU OF THE REQUIRED 30'.
AND FROM SECTION 236.1 OF THE BOZM TO ALLOW A FRONT YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 25'. AND A STREET CENTER LINE SETBACK OF 10' IN LIEU OF THE REQUIRED 30'.

SITE DATA
SITE AREA 0.18 AC.
DEED REFERENCE 10035 / 32
TAX ACCT. NO. 1918002060
COUNCILMANIC DIST. NE-2F - BR-AS
EXISTING ZONING
EXISTING USE COMMERCIAL BLDG
PROPOSED USE LIVING QUARTERS
UTILITIES WATER PUBLIC - EXISTING
SEWER PUBLIC - EXISTING
APPLICITY OPEN SPACE NONE - REQUIRED
TYPICAL PARKING SPACE 8 1/2' X 18'



NO.	DATE	DESCRIPTION
1	4/2/2009	REV. PER PLUMBING PLAT CORRECTIONS

REVISIONS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3635

#8117 PULASKI HWY
"BOUNDARY PROPERTY"
99.442.5PH KA
ELECTION DIST. 15
BALTIMORE COUNTY

SCALE: 1"=20.00'
DATE: 4/1/09
DES. BY: M.M.J.
SHT. 1 OF 1

42
DET EX. 1

OWNER
MOHAMMAD BOUMHAD
FATIMA BOUMHAD
8117 PULASKI HIGHWAY
BALTIMORE, MARYLAND
21237-2822



- GENERAL NOTES**
1. THERE ARE NO PREVIOUS ZONING HEARINGS, C.R.G. OR MATTERS FOR THE SUBJECT PROPERTY.
 2. THERE ARE NO SHEDS PROPOSED AT THIS TIME. ALL FUTURE SHEDS WILL COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS.
 3. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CUSTODIAN'S DAY CUSTODIAL AREA.
 4. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOODPLAIN.
 5. PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE BALTIMORE CITY ZONING ORDINANCE.
 6. THERE ARE NO CONTEMPORARY FIRE RESISTANT STRUCTURES WITHIN 100' OF THE SUBJECT LOT.
 7. PROPOSED SHEDS TO BE REMOVED AND REBUILT SHALL ALSO BE REBUILT TO MEET THE BALTIMORE CITY ZONING ORDINANCE.

442
Plot 241

OWNER
JOHANNAD BOUMAD
FATIMA BOUMAD
8117 PULASKI HIGHWAY
BALTIMORE, MARYLAND
21287-2822

99-442-SPHXA
BALTIMORE CO. JMD
ELECTION DIST. 15
#8117 PULASKI HWY
BOUMAD PROPERTY
PLAT TO ACCOMPANY
ZONING PETITION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

NO.	DATE	DESCRIPTION
1	5/2/02	REV. PER PLANNING PLAT CONFERENCE

REVISIONS

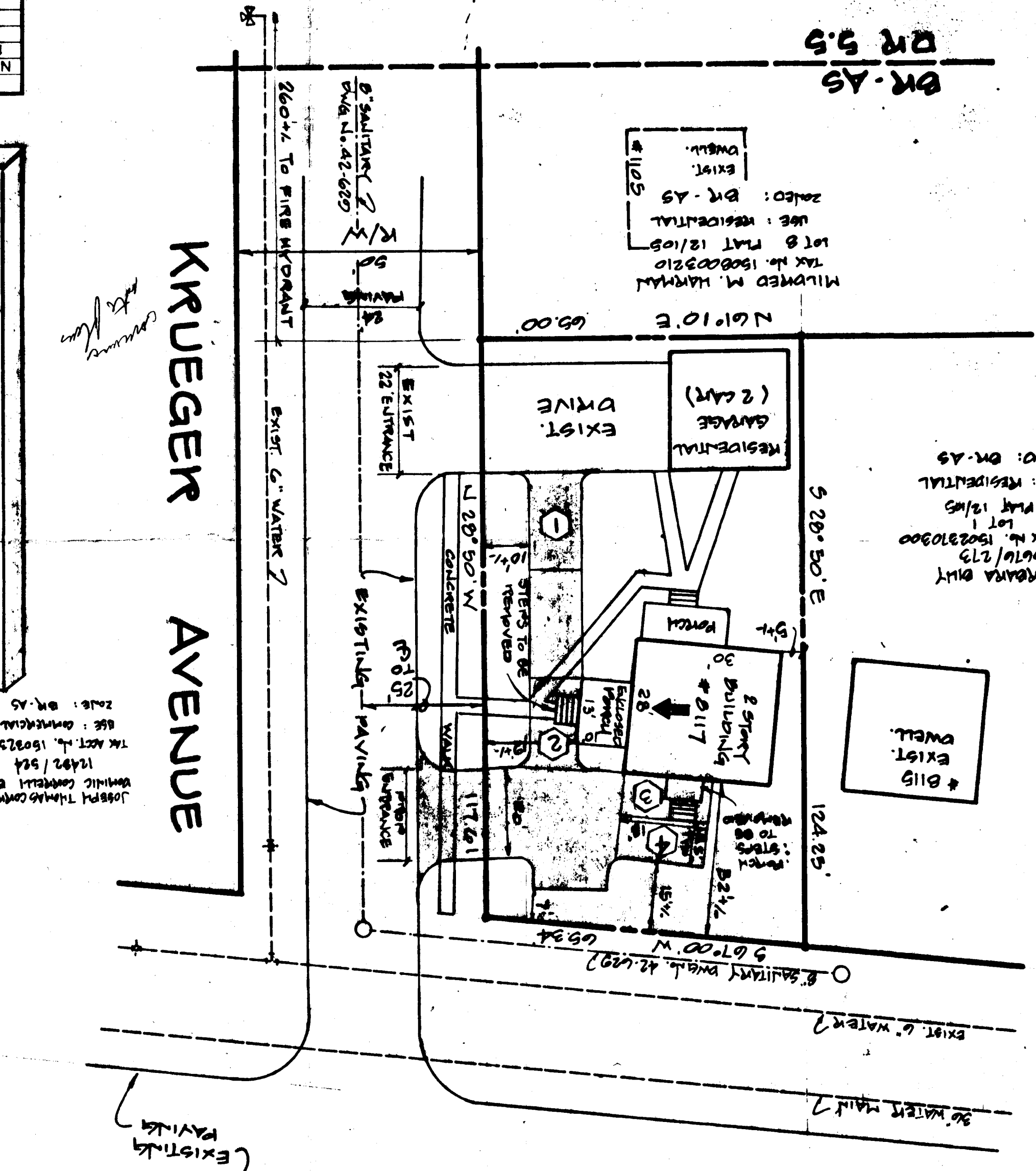
ZONING PETITIONS TO ACCOMPANY THIS PLAT

SPECIAL EXCEPTION:
FOR LIVING QUARTERS IN A COMMERCIAL BUILDING IN ACCORDANCE WITH SECTION 236.4 OF THE COZR.

SPECIAL HEARING:
TO APPROVE A MODIFIED PARKING PLAN IN ACCORDANCE WITH SECTION 409.12.B OF THE COZR.

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FROM SECTION 236.2 OF THE COZR TO ALLOW A REAR YARD SETBACK OF 5' IN LIEU OF THE REQUIRED 30'.
AND FROM SECTION 236.1 OF THE COZR TO ALLOW A REAR YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 25' AND A STREET CENTER LINE SETBACK OF 5' IN LIEU OF THE REQUIRED 30'.

JOSEPH THOMAS CORNELIUS
BALTIMORE COUNTY ET AL
12492 / 524
TAX ACCT. NO. 150232780
ZONE: BR-A5

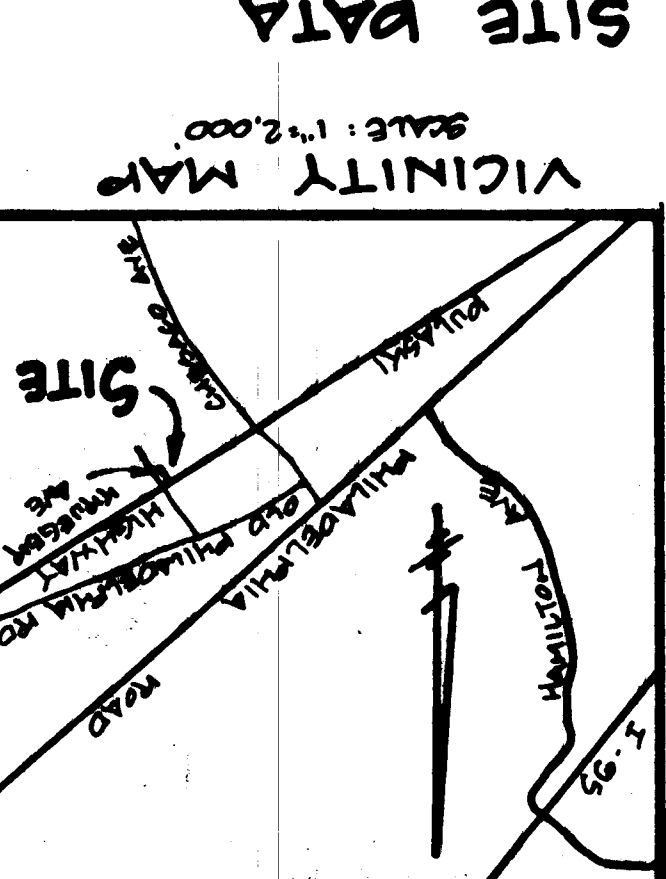


BARBARA BLY
5616/123
TAX N. 1502310300
PLAT 12/1/85
USE: RESIDENTIAL
ZONED: BR-A5

MILWED M. HARMAN
TAX N. 150202210
LOT 8 PLAT 12/1/85
USE: RESIDENTIAL
ZONED: BR-A5

SITE DATA

SITE AREA	0.18 ACCT.
DEED REFERENCE	10035 / 32
TAX ACCT. NO.	1516002060
COMMERCIAL DIST.	7
EXISTING ZONING	NE-3F - BR-A5
EXISTING USE	COMMERCIAL BLDG
PROPOSED USE	CURRENT RESTAURANT
UTILITIES	WATER
SERVICE	PUBLIC - EXISTING
AMENITY OPEN SPACE	NONE - REQUIRED
TYPICAL PARKING SPACE	8 1/2' X 18'



BL-A5
BR-A5

PARKING CALCULATIONS
MAXIMUM FLOOR AREA ALLOWED = 20,000 SF
EXISTING F.A.R. = 30,000 SF
MAXIMUM FLOOR AREA = 3226 SF
TOTAL FLOOR AREA = 3226 SF
TOTAL REMOVED = 0 SPACES
TOTAL REMOVED = 0 SPACES
(average)

FLOOR AREA RATIO
MAXIMUM FLOOR AREA ALLOWED = 20,000 SF
EXISTING F.A.R. = 30,000 SF
MAXIMUM FLOOR AREA = 3226 SF
TOTAL FLOOR AREA = 3226 SF
TOTAL REMOVED = 0 SPACES
TOTAL REMOVED = 0 SPACES
(average)